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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 FRANCISCO LUIS MCARTHUR,

13 Defendant.

Case No. 2:20-mj-01002-DJA

**ORDER to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (First Request)**

14 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher
15 Chiou, Acting United States Attorney, and Simon Kung, Assistant United States Attorney,
16 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
17 and Margaret W. Lambrose, counsel for Defendant Francisco Luis McArthur, that the
18 Court vacate the preliminary hearing scheduled for May 2, 2022, at 4:00 p.m. and
19 reschedule the hearing for a date and time convenient to this Court, but no sooner than 60
20 days from the currently scheduled date. This request requires that the Court extend two
21 deadlines: (1) that a preliminary hearing be conducted within 14 days of a defendant's initial
22 appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed
23 within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
3 preliminary hearing within a reasonable time, but no later than 14 days after the initial
4 appearance if the defendant is in custody . . .”

5 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
6 showing of good cause—taking into account the public interest in the prompt disposition of
7 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
8 times . . .”

9 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
10 information or indictment charging an individual with the commission of an offense shall be
11 filed within thirty days from the date on which such individual was arrested or served with a
12 summons in connection with such charges. If an individual has been charged with a felony
13 in a district in which no grand jury has been in session during such thirty-day period, the
14 period of time for filing of the indictment shall be extended an additional thirty days.”

15 4. Defendant needs additional time to review information provided by the
16 government and investigate potential defenses.

17 5. Moreover, the parties have entered into negotiations in an attempt to
18 promptly resolve this case and reduce the judicial and government resources required by
19 this case. The defense requires additional time to adequately advise Defendant regarding
20 any plea negotiations.

21 6. The additional time requested herein is not sought for the purposes of delay,
22 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and
23 prepare and to determine whether to proceed with a preliminary hearing and indictment or
24 to resolve this case through negotiations.

7. Accordingly, the parties jointly request that the Court schedule the preliminary hearing in this case no sooner than 28 days from the currently scheduled date.

8. Defendant is in federal custody but agrees to the extension of the 14-day deadline imposed by Rule 5.1(c) and the deadline imposed by 18 U.S.C. § 3161(b), waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), and requests that the time between Defendant's initial appearance on April 18, 2022, and the rescheduled preliminary hearing be excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. §3161(b).

9. The parties agree to the extension of these deadlines.

10. Accordingly, the additional time requested by this stipulation is (a) allowed under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

11. This is the first request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 26th day of April, 2022.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

/s/ Margaret W. Lambrose
MARGARET W. LAMBROSE
Assistant Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Simon F. Kung
SIMON F. KUNG
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
FRANCISCO LUIS MCARTHUR,
Defendant.

Case No. 2:20- mj-01002-DJA

ORDER on Stipulation to Continue Preliminary Hearing and Deadline to Indict Defendant

FRANCISCO LUIS MCARTHUR,
Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for May 2, 2022 at the hour of 4:00 p.m., be vacated and continued to June 6, 2022, at 4:00 p.m., Courtroom 3A.

27th
DATED this ____ day of April, 2022.

Sept

HONORABLE DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE